

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Civil Action

Plaintiff,

No. 10-214

v.

CITY OF PITTSBURGH,

Judge Lancaster

Defendant.

JURY TRIAL DEMANDED

CONSENT ORDER

AND NOW, this 26 day of March, 2010, by consent of the parties, IT IS HEREBY

ORDERED as follows:

1. Plaintiff, John Doe, has brought an action under the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12112(d)(4)(A) and (C), alleging Defendant, City of Pittsburgh, violated the ADA by requiring him to undergo a fitness for duty psychiatric examination, and by publishing in its meeting minutes on January 10 and February 21, 2008 that he was required to undergo that examination.

2. Plaintiff filed a Motion for Temporary Restraining Order and/or Preliminary Injunction seeking to enjoin Defendant from publishing information about his medical history and/or condition, including but not limited to the information contained in the January 10 and February 21, 2008 meeting minutes.

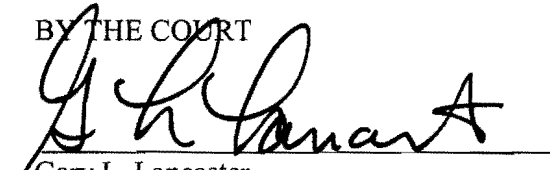
3. In response to Plaintiff's Motion, Defendant voluntarily removed from the Internet its January 10, February 21, and April 3 meeting minutes.

4. Defendant has also contacted Google about removing those meeting minutes from its search results.

5. Defendant is hereby ENJOINED from:
 - a. re-publishing the references to Plaintiff in its January 10, February 21, and April 3, 2008 meeting minutes;
 - b. maintaining in any publicly accessible place the references to Plaintiff in its January 10, February 21, and April 3, 2008 meeting minutes;
 - c. allowing public access to any documents it published in the past referencing Plaintiff's medical history or condition, including but not limited to the requirement that he undergo a fitness for duty psychiatric examination;
 - d. publishing in the future any references to Plaintiff's medical history or condition, including but not limited to the requirement that he undergo a fitness for duty psychiatric examination.
6. Plaintiff's motion for Temporary Restraining Order and/or Preliminary Injunction is hereby terminated as moot. Plaintiff may refile his Motion should Defendant violate this Order.
7. Either party may petition the Court for relief for violation of this Order.
8. This Order does not constitute a dismissal of the action filed at Civil Action No. 10-

214.

BY THE COURT



Gary L. Lancaster
United States District Court Chief Judge